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10/663,035	09/15/2003	Martin Richard Layley	678-1257 (P11364)	2569

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EXAMINER
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TRAN, TUAN A

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PAPER

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**JUL 17 2007**  
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/663,035  
Filing Date: September 15, 2003  
Appellant(s): LAYLEY ET AL.

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Paul J. Farrell  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 03/21/2007 appealing from the Office action mailed 08/16/2006.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,745,253

STRUBLE

06-2004

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 3-6, 8-22 and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Struble (6,745,253).

Regarding claim 1, Struble discloses a wireless communication device 104 comprising: a search means; a control means; and a detection means, wherein the search means searches for a peripheral device 102 when the detection means detects that the peripheral device 102 is likely to be utilized by the wireless communication device 104 (the detection means detects a predetermined condition indicating the likelihood of a request to utilize the peripheral device 102 by a user of the wireless communication device 104) before the user makes the request (i.e. print request) (See figs. 1, 2, 3A, 3B and col. 3 line 34 to col. 4 line 33), and the control means determines whether the peripheral device is likely to be utilized, sets a flag when it is determined, as a result of a search, that the peripheral device 102 is available, and thereafter awaits a

user's selection of a command corresponding to the set flag (See figs. 1, 2, 3A, 3B and col. 4 line 34 to col. 5 line 8).

Claim 6 is rejected for the same reasons as set forth in claim 1, as method.

Claim 22 is rejected for the same reasons as set forth in claim 1, as apparatus.

Regarding claim 3, Struble discloses as cited in claim 1. Struble further discloses a user interface, wherein the user interface provides an option to utilize the peripheral device 102, only if a peripheral device 102 is found (See figs. 3A, 3B and col. 4 lines 43-54).

Claim 8 is rejected for the same reasons as set forth in claim 3, as method.

Claim 24 is rejected for the same reasons as set forth in claim 3, as apparatus.

Regarding claim 4, Struble discloses as cited in claim 3, Struble further discloses the peripheral device 102 is not utilized merely because the detection means detects the predetermined condition (See figs 3A, 3B and col. 4 lines 28-33).

Claim 9 is rejected for the same reasons as set forth in claim 4, as method.

Claim 25 is rejected for the same reasons as set forth in claim 4, as apparatus.

Regarding claim 5, Struble discloses as cited in claim 4. Struble further discloses a locating means; and a route determination means, wherein the locating means locates a local wireless network and subsequently locates a peripheral device 102, and the route determination means determines a route through the network from the wireless communication device 104 to the peripheral device 102 (See figs. 1, 3A, 3B and col. 4 line 12 to col. 5 line 8).

Claim 10 is rejected for the same reasons as set forth in claim 5, as method.

Claim 26 is rejected for the same reasons as set forth in claim 5, as apparatus.

Regarding claims 11 and 13, Struble discloses as cited in claim 5. Struble further discloses the wireless communication device 104 and the peripheral device 102 uses radio frequency communication wherein the radio frequency communication uses Bluetooth technology (See fig. 2 and col. 3 lines 5-15).

Claim 12 is rejected for the same reasons as set forth in claim 11, as method.

Regarding claim 14, Struble discloses as cited in claim 11. Struble further discloses the communication between the peripheral device 102 and the wireless communication device 104 is on a second network and a first network is used for the wireless communication device 104 to communicate with other wireless communication device (See col. 2 lines 45-52).

Claim 15 is rejected for the same reasons as set forth in claim 14, as method.

Regarding claim 16, Struble discloses as cited in claim 11. Struble further discloses the wireless communication device is a mobile phone (See col. 2 lines 45-52).

Claim 17 is rejected for the same reasons as set forth in claim 16, as method.

Regarding claim 18, Struble discloses as cited in claim 16. Struble further discloses the detection that a peripheral device 102 is likely to be utilized occurs when a data file is accessed on the wireless communication device 104 (See fig. 3A and col. 3 line 57 to col. 4 line 11).

Claim 19 is rejected for the same reasons as set forth in claim 18, as method.

Regarding claim 20, Struble discloses as cited in claim 5. Struble further discloses the peripheral device 102 is a printer (See fig. 1 and col. 4 lines 55-58).

Claim 21 is rejected for the same reasons as set forth in claim 20, as method.

**(10) Response to Argument**

With respect to the appellant's argument(s) filed on 03/21/2007, the responses are follows:

a. The appellant argued that Struble does not teach limitations of "the control means determines whether the peripheral device is likely to be utilized, sets a flag when it is determined, as a result of a search, that the peripheral device is available, and thereafter awaits a user's selection of a command corresponding to the set flag" as recited in claims 1 and 6 (See Appeal Brief, Argument section, section A1 page 10-11 and section B1 page 13-14). The examiner respectfully disagrees with the appellant's argument. As disclosed by Struble, a peripheral device (i.e. peripheral printer) discovery process (search process or process for locating peripheral device within range) is initiated by a control module of a wireless communication device 104, upon detection of a control command inputted by a user via user interface, before a user's request of printing (equivalent to **"the control means determines whether the peripheral device is likely to be utilized before a user request"**) (See figs. 3A, blocks 306; 308 and col. 4 lines 8-16). When a suitable/available peripheral device has been found, the control module first presents the peripheral device's capabilities including the status of the peripheral device (i.e. whether it is ready for use) to the user via a display (equivalent to **"the control means sets a flag when it is determined, as a result of a search, that the peripheral device is available"**) (See figs. 3A, 3B, blocks 310, 316 and col. 4 lines 34-51), and then waits for further commands from the

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user (i.e. command or request of printing) (equivalent to "**thereafter awaits a user's selection of a command corresponding to the set flag**") (See fig. 3B , block 318 and col. 4 lines 51-58).

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.



For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



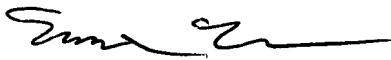
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July 07, 2007

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